

March 4, 2024

Subject: **LETTER OF DECISION**  
File Number: PLN 2023-00146  
Location: 350 Butano Cut Off and 1200 Pescadero Creek Road

On February 28, 2024, the San Mateo County Planning Commission considered a Coastal Development Permit, Resource Management-Coastal Zone Permit, and a Use Permit to: 1) permit the construction of a new fire station (County Fire Station No. 59) at the Pescadero Middle/High School site (350 Butano Cut Off), and 2) permit the partial demolition and remodeling of the existing Station No. 59 to serve as an emergency backup, located at 1200 Pescadero Creek Rd, in the unincorporated Pescadero area of San Mateo County. This project is appealable to the California Coastal Commission.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the Coastal Development Permit, Resource Management-Coastal Zone Permit, and Use Permit, County File Number PLN 2023-00146, by making the required findings and adopting the conditions of approval in Attachment A and with removal of Condition No. 26.

Any interested party aggrieved by the determination of the Planning Commission has the right to appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at 5:00 p.m. on March 13, 2024.

Please direct any questions regarding this matter to Project Planner, Michael Schaller at [mschaller@smcgov.org](mailto:mschaller@smcgov.org).

Sincerely,



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Angela Montes  
Planning Commission Secretary

cc: California Coastal Commission  
Pescadero-La Honda Unified School District  
Department of Public Works, San Mateo County of San Mateo  
Pescadero Municipal Advisory Council  
Midcoast Community Council  
Lennie Roberts, Green Foothills

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN2023-00146      Hearing Date: February 28, 2024

Prepared By: Michael Schaller      For Adoption By: Planning Commission  
Senior Planner

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That the Mitigated Negative Declaration adopted by the Board of Supervisors on November 1, 2022, adequately analyzes the proposed project pursuant to the California Environmental Quality Act (“CEQA”), and that no subsequent environmental review is required pursuant to CEQA Guidelines Section 15162 (*Subsequent EIRs and Negative Declarations*).

Regarding the Coastal Development Permit, Find:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program with regards to the protection of biotic and visual resources, as well as public works component policies, as analyzed in Section A(2) of this staff report.
3. Where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code) and Chapter 3 of the Coastal Act of 1976. The proposed fire station does not fall within the stated locational criteria.
4. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program. As discussed in Section A (2) of this staff report, protection measures will be implemented to prevent any impact to biological resources, including San Francisco garter snake and California red-legged frog.

Regarding the Resource Management – Coastal Zone Permit, Find:

5. That the proposed fire station is in conformance with the Development Review criteria for the Resource Management – Coastal Zone District indicated in Section 6905 of the Zoning Regulations.

Regarding the Use Permit, Find:

1. That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood. There is no evidence to suggest that the project will be detrimental to the public welfare. Rather, it will improve the public's safety and welfare by relocating the fire station to a location that allows for year-round access to the community.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. This approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on February 28, 2024. The Director of Planning and Building may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.
2. **Mitigation AG-1:** Prior to issuance of the building permit for construction of the fire station, the County shall submit evidence to the Coastal Commission for review and approval indicating that an agricultural easement burdening off-site agricultural property has been granted in perpetuity to the County or other qualifying entity, along with adequate funding to compensate for reasonable administrative costs incurred by the easement holder. The property provided as mitigation shall meet the following criteria:
  - The easement shall provide agricultural conservation acreage at a ratio of 2:1 for the loss of agricultural land associated with the approved project (i.e. at least 3.5 acres shall be provided to offset the 1.75 acres of the fire station site).
  - The property shall be acquired by the County and placed under an agricultural easement; or the County shall enter into an agreement to newly encumber lands owned by another entity.
  - The property shall be located within the Coastal Zone, within reasonable proximity to the project site.

- The property shall be on land of a similar quality as the project site (i.e., Prime Agricultural Lands).
3. **Mitigation BIO-1:** Initial ground-disturbing activities shall be avoided between November 1 and March 31 to avoid the time period when amphibians and reptiles are most likely to be moving through the Project Area.
  4. **Mitigation BIO 2:** Temporary exclusion fencing shall be installed around the limits of work areas and access routes to ensure special-status amphibians, reptiles, and mammals cannot enter the work area. Installation of exclusion fencing shall occur under the supervision of a designated biologist and immediately following a clearance survey of the area. The exclusion fencing shall have a minimum aboveground height of 30 inches, and the bottom of the fence should be keyed in at least 4 inches deep and backfilled with soil to prevent wildlife from passing under the fencing. Exclusion fencing shall be installed to prevent species entry into active work areas and to mark the limits of construction disturbance at equipment staging areas, site access routes, construction equipment and personnel parking areas, debris storage areas, and any other areas that may be disturbed.
  5. **Mitigation BIO-3:** Plastic monofilament netting (erosion control matting), loosely woven netting, or similar material in any form shall not be used at the project site because amphibians and reptiles can become entangled and trapped in them. Any such material found on-site shall be immediately removed by the construction personnel. Materials utilizing fixed weaves (strands cannot move), polypropylene, polymer, or other synthetic materials shall not be used.
  6. **Mitigation BIO-4:** No more than twenty-four (24) hours prior to the date of initial ground disturbance, a pre-construction survey for foothill yellow-legged frog and other sensitive amphibians and reptiles shall be conducted by a designated biologist at the project site. The survey shall consist of walking the project limits and within the project site to ascertain the possible presence of special-status amphibians and reptiles. The designated biologist shall investigate all potential areas that could be used by the species for feeding, sheltering, movement, and other essential behaviors. If any foothill yellow-legged frogs are found, the designated biologist shall follow the procedures specified in Measure 5.
  7. **Mitigation BIO-5:** Each encounter with the foothill yellow-legged frog shall be treated on a case-by-case basis in coordination with the USFWS, but the general procedure is as follows: (1) the animal shall not be disturbed if it is not in danger; or (2) the animal shall be moved to a secure location if it is in any danger. These procedures are further described below:
    - When a foothill yellow-legged frog is encountered in the project area, all activities which have the potential to result in the harassment, injury, or

death of the individual shall be immediately halted. The designated biologist will then assess the situation in order to select a course of action that will avoid or minimize adverse effects to the animal. To the maximum extent possible, contact with the animal shall be avoided and the applicant shall allow it to move out of the potentially hazardous situation to a secure location on its own volition. This procedure shall apply to situations where a foothill yellow-legged frog is encountered while it is moving to another location and is actively dispersing. It does not apply to animals that are uncovered or otherwise exposed or in areas where the individual is not expected to move on its own and may be in danger (e.g., within the fenced construction perimeter).

- Foothill yellow-legged frogs that are in danger (e.g., animals that are uncovered or otherwise exposed or in areas within the fenced construction perimeter where the individual is not expected to move on its own) shall be relocated and released by the designated biologist outside the construction area within the same habitat. Prior to the initial ground disturbance, the designated biologist shall obtain approval of the relocation protocol from the USFWS and CDFW in the event that a foothill yellow-legged frog is encountered and needs to be moved away from the project site. Foothill yellow-legged frog shall be released in appropriate habitat nearby within the watershed. The designated biologist shall limit the duration of the handling and captivity of the foothill yellow-legged frog to the minimum amount of time necessary to complete the task. The applicant shall immediately notify the USFWS and CDFW once the foothill yellow-legged frog is relocated, and the site is secure.
8. **Mitigation BIO-6:** Uneaten human food and other refuse attracts crows, ravens, coyotes, raccoons, and other predators of amphibians, reptiles, and other wildlife. A litter control program shall be instituted at the project site. All workers shall ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash are deposited in covered or closed garbage containers. The garbage containers shall be removed from the project site at the end of each working day.
  9. **Mitigation BIO-7:** A USFWS-approved biologist(s) shall be onsite until all initial habitat disturbances have ceased. The qualifications of the biologist(s) shall be submitted to USFWS for review and written approval at least thirty (30) days prior to the date earthmoving is initiated at the project site.
  10. **Mitigation BIO-8:** To the maximum extent practicable, outdoor construction activities shall not occur during rain events or within 24 hours following a rain event. Prior to outdoor construction activities resuming, a designated biologist will inspect the Project Area and all equipment/materials for the presence of amphibians and reptiles.

11. **Mitigation BIO-9:** If construction activities will commence anytime during the nesting/breeding season of native bird species potentially nesting in the Study Area (typically February through August in the project region), a pre-construction survey for nesting birds shall be conducted by a qualified biologist within two weeks of the commencement of construction activities. If active nests are found in areas that could be directly affected or are within 250 feet (for passerines) or 500 feet (for raptors) of construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zone and types of construction activities restricted within it shall be determined through coordination with the CDFW, considering factors such as the following:
  - Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
  - Distance and amount of vegetation or other screening between the construction site and the nest; and
  - Sensitivity of individual nesting species and behaviors of the nesting birds.
  
12. **Mitigation BIO-10:** The County shall ensure that the following stormwater BMPs are implemented to protect water quality entering Pescadero and Butano Creeks:
  - Schedule grading and excavation work during dry weather.
  - Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matric) until vegetation is established.
  - Prevent sediment from migrating offsite and protect from storm drain inlets, gutters, ditches, and drainage courses by installing and maintaining appropriate BMPs, such as fiber rolls, silt fences, sediment basins, gravel bags, berms, etc.
  - Keep excavated soil on site and transfer it to dump trucks on site, not in the streets.
  
13. **Mitigation BIO-11:** If construction activities commence during the burrowing owl nesting season (February 1 – August 31), a qualified biologist shall conduct preconstruction surveys covering all areas of suitable habitat within 250 feet of the proposed activity. The survey will last a minimum of 3 hours and will either begin 1 hour before sunrise and continue until 2 hours after sunrise or begin 2 hours before sunset and continue until 1 hour after sunset. If no owls are detected

during the first survey, a second survey will be conducted. If owls are detected during the first survey, a second survey is not needed. All owls observed will be counted and their locations will be mapped, and the following measure will be implemented:

- If evidence of nesting burrowing owls is found, a 250-foot-wide no-disturbance buffer zone shall be established around each occupied nest and shall be delineated in the field by the biologist, using a suitable low-impact medium. Construction may proceed outside the no disturbance buffer zones.
14. **Mitigation BIO-12:** A qualified biologist shall conduct a roosting bat habitat evaluation prior to the commencement of construction activities. The evaluation shall determine if any trees proposed for removal or that are located near the work sites provide potential bat roosting habitat. If suitable roost trees or an active roost are confirmed, then a site-specific bat protection plan shall be developed by a qualified biologist to prevent disturbance of an active maternity or hibernation roost.
  15. **Mitigation BIO-13:** Appropriately timed focused plant surveys shall be conducted during the harlequin lotus's flowering period (March - June) to detect presence of these species within the project's impact zone.
  16. **Mitigation BIO-14:** If this species is determined to be present within the project impact zone (where vegetation removal is needed), then potentially impacted populations shall be transplanted to an appropriate adjacent habitat where impacts are not anticipated. The transplanting effort shall be approved by the CDFW prior to implementation.
  17. **Mitigation CULT-1.** To reduce potential impacts on presently undocumented early Native American cultural resources, a qualified professional archaeologist and a Native American monitor shall be present on-site during all subsurface ground-disturbing activities at the site of the proposed new fire station. If prehistoric remains (e.g., structure traces, stone artifacts, bone and/or shell concentrations) are encountered during subsurface construction and/or demolition activities, ground disturbances in the vicinity of the find shall cease until the monitor can determine the nature and potential significance of the remains and recommend mitigation. Mitigation can include, but shall not be restricted to, no action, additional documentary research, testing, and contiguous block unit excavation and resource documentation in accordance with CEQA standards.

In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, excavation in the vicinity of the burial shall immediately cease and the primary construction contractor and/or archaeological/Native American monitor shall notify the County. The County or their designated representative shall notify the county coroner who is required to

examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner's findings, the County, the archaeologist/Native American monitor, and the NAHC designated most likely descendant shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting on notification of a discovery of Native American human remains are identified in PRC Section 5097.9.

18. **Mitigation CULT-2.** If human remains or any associated funerary artifacts are discovered during construction, all work must cease within the immediate vicinity of the discovery. In accordance with the California Health and Safety Code (Section 7050.5), the San Mateo County Sheriff/Coroner shall be contacted immediately. If the Coroner determines the remains to be Native American, the Coroner will notify the Native American Heritage Commission, which will in turn appoint a Most Likely Descendent (MLD) to act as a tribal representative. The MLD will work with the Applicant and a qualified archaeologist to determine the proper treatment of the human remains and any associated funerary objects. Construction activities will not resume until either the human remains are exhumed, or the remains are avoided via Project construction design change.
19. **Mitigation GEO-2:** The fire station foundation and site preparation shall include all recommendations of a preliminary geotechnical/geologic hazards report, which shall be prepared prior to project approval and include assessments of, and recommendations for, soil settlement, liquefaction, differential settlement, expansive soils, and other geologic hazards.
20. **Mitigation HAZ-1:** Prior to demolition of the existing fire station barracks, the structures shall be surveyed for potential hazardous materials including but not limited to Asbestos Containing Materials and Lead-based Paints. Any such materials encountered shall be removed by a hazardous materials removal firm with staff trained and equipped for such removal activities. Any removed hazardous materials shall be disposed of in a State-approved Class III Hazardous Waste Disposal Facility.
21. **Mitigation NOI-1.** The following Best Management Practices shall be incorporated into the construction documents to be implemented by the Project contractor:
  - Limit Project construction activity to between 7 a.m. and 6 p.m. on weekdays, to between 9 a.m. and 5 p.m. on Saturdays, and prohibit it on Sundays, Thanksgiving and Christmas to comply with the San Mateo County Code.



- Provide enclosures and noise mufflers for stationary equipment, shrouding or shielding for impact tools, and barriers around particularly noisy activity areas on the site.
  - Use the quietest type of construction equipment whenever possible, particularly air compressors.
  - Provide sound-control devices on equipment no less effective than those provided by the manufacturer.
  - Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from sensitive receptors.
  - Prohibit unnecessary idling of internal combustion engines.
  - Require applicable construction-related vehicles and equipment to use designated truck routes when entering/leaving the site.
  - Designate a noise disturbance coordinator at County Planning Department who shall be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site. Copies of the project purpose, description and construction schedule shall also be distributed to the surrounding residences, schools, and library.
22. The County shall implement construction best management practices as necessary for each individual work area. Said practices shall conform to the San Mateo Countywide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines” and include, but not be limited to:
- a) Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
  - b) Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
  - c) Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - d) Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to a local storm drain system or water body.
  - e) Avoiding cleaning, fueling, or maintaining vehicles on-site, except in an area designated to contain and treat runoff.

- f) The applicant is responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into existing drainage systems and water bodies and adhere to the above referenced practices.

The applicant shall train and provide instruction to all employees and subcontractors regarding the construction best management practices (as listed above).

#### Department of Public Works

- 23. **Mitigation Traffic-1.** If the County Public Works Department determines that a signal at the fire station driveway is potentially warranted to allow emergency fire truck access or otherwise prevent vehicular conflicts, the County will conduct a more refined traffic count. If the count indicates that a signal is warranted, the County will install it, or the school will require that all drop offs are at the 360 Butano Cutoff address, which is at the far end of the campus and will be less likely to result in any conflicts with the fire station traffic.
- 24. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. Applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.

#### San Mateo Local Agency Formation Commission

- 25. The Pescadero Middle/High School and new fire station property are proposed to be served by County Service Area 11 (CSA-11) for domestic water. Currently this property is not within the service area or Sphere of Influence (SOI) of CSA-11. Prior to the construction of the CSA-11 water line, an application for the annexation of the project area and SOI amendment for CSA-11 shall be submitted to San Mateo LAFCo. The annexation and SOI amendment will be subject to the review and approval of the San Mateo LAFCo Commission.

#### Agricultural Land Easement

- 26. Prior to the issuance of the building permit for construction of the Fire Station, the County, working in conjunction with the Peninsula Open Space Trust, shall transfer ownership of a farm consisting of prime agricultural land to a private landowner, for the purposes of continued farming. Prior to transferring ownership an Agricultural Conservation Easement will be recorded on the parcel. This easement shall be monitored and enforced by POST with the assistance of San Mateo County.